THE HONOURABLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24543 of 1999

DATED: 20.04.2007

Between:

Smt. Naseem Sultana .. Petitioner.

And

The Director,
Town & Country Planning,
Hyderabad, and others. .. Respondents.

THE HONOURABLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24543 of 1999

ORDER:

This Writ Petition is filed by the petitioner seeking a Writ of Mandamus declaring the inaction of respondents 2 and 3 herein in taking steps forthwith even after submission of the representation by the petitioner to prevent the fifth respondent from making any further constructions on the existing 40 feet Municipal road at Kashmirigadda, Karimnagar, which is connecting the main 60 feet road i.e., Abdul Kalam Azad Road, contrary to the provisions of the A.P. Municipalities Act, 1965 (for short 'the Act') and the Town Plan No.11/70 at Kashmirigadda locality, Karimnagar town, as illegal and arbitrary.

2. When the petitioner approached this Court and filed this Writ Petition, initially, on 29.11.1999, this Court ordered Rule nisi and called for the records and also granted interim order on the very same day itself. Subsequently, the fifth respondent submitted an undertaking to the effect that he will remove all the constructions in the site without claiming any compensation or equities in the event of the writ petition being allowed by this Court and prayed for vacating the interim order dt.29.11.1999 passed in W.P.M.P.No.30875 of 1999, and recording the said undertaking, the interim order dated 29.11.1999 was vacated.

3. Further, in the counter affidavit filed on behalf of respondent no.3, the Municipal Council, Karimnagar, represented by its Commissioner,

it is clearly stated that the fifth respondent has started construction in his own open plot as per the orders of this Hon'ble Court and in accordance with the building permission granted by the said Municipal Council, Karimnagar.

4. In the light of the said averments made by the Municipal Council, Karimnagar in his counter and also the undertaking given by the fifth respondent, which is not disputed by the learned counsel for the petitioner, this Court is of the considered opinion that this Writ Petition cannot be entertained.

5. The Writ Petition is accordingly dismissed. No costs.

_____

(GOPALA KRISHNA TAMADA,J)

20.04.2007
v v